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UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

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Federal Communications Commission
Office of the Secretary

Edmond J. Thomas
Chief, Office of Engineering and Technology
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

ET Docket No. 04-139

Dear Mr. Thomas:

This letter follows-up my letter to you on January 27, 2004 concerning items that should be implemented in the United States as a result of the outcome of WRC-2003. Since that time, we have completed work on one additional issue concerning an allocation for the Earth exploration-satellite service (EESS) at 432-438 MHz.

The United States opposed this allocation at WRC-03. However, WRC-03 approved an international secondary allocation for the EEES, incorporating certain operational restrictions delineated in ITU-R SA 1260-1. We expect that foreign systems, as well as NASA, will want to operate under this allocation. Thus, it is incumbent on the United States to clarify the allocation status under which the United States will authorize EEES in this band.

ITU-Recommendation SA.1260-1 effectively limits the operational use of 432 - 438 MHz EEES to outside the United States. However, NASA has indicated a need to perform some limited pre-operational testing of its systems within line of sight of its U.S. control stations. In order to account for the required use of the EEES allocation in the United States, a new US footnote is proposed. As the EEES satellites within line-of-sight of the United States will operate solely for the purpose of short duration pre-operational testing, there will be minimal impact to any other services.

Therefore, we recommend the following footnote to clarify the allocation status of U.S. authorized EEES.

USXXX

In the band 432-438 MHz, the Earth exploration-satellite service (active) is allocated on a secondary basis. Stations in the Earth exploration-satellite service (active) shall not be operated within line-of-sight of United States except for the purpose of short duration pre-operational testing. Operations under this allocation shall not cause harmful interference to, nor claim protection from, the other services allocated in the band in the United States, including secondary services.

Sincerely,

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for
Fredrick R. Wentland
Associate Administrator
Office of Spectrum Management